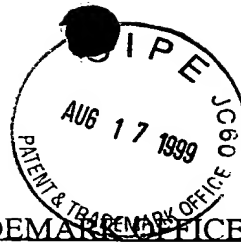


7791-0052-25



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
MICHAEL C. SCROGGIE ET AL : GROUP ART UNIT: 2765
SERIAL NO. 08/873,974 :
FILED: JUNE 12, 1997 : EXAMINER: CAUDLE, P.
FOR: SYSTEM AND METHOD FOR :
DISTRIBUTING INFORMATION ...

37 C.F.R. §1.132 DECLARATION OF MICHAEL C. SCROGGIE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

- (1) I am named as an inventor in the application identified above.
- (2) The articles (i) "Cruising for food ..." ("Cruising") dated April 20, 1996, (ii)

"Click for coupons ..." by Peterson dated June 1, 1996, cited in the Office Action mailed September 2, 1998, and (iii) "Catalina Marketing Corporation News Letter ..." dated February 11 and April 19, 1996 referenced in the Office Action mailed June 30, 1999 refer to an initial launch of the Supermarkets Online ("SMO") web site. The initial launch of the SMO web site did not include the subject matter defined by the claims in the application identified above, as indicated by the following paragraphs.

(3) Independent Claim 1 recites a method including the step of "providing information from the database, to a consumer in response to a consumer request made from a consumer communication node connected to the communication network, but without regard for whether the consumer communication node is logged in to the cooperative

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communication site or to a retailer or manufacturer network site, or another independently administered site.” The initial launch of the SMO web site could not perform a method including the step of “providing information from the database, to a consumer in response to a consumer request made from a consumer communication node connected to the communication network, but without regard for whether the consumer communication node is logged in to the cooperative communication site or to a retailer or manufacturer network site, or another independently administered site.”

(4) Independent Claim 14 recites an apparatus including “means installed at cooperating manufacturer and retailer sites, for providing communication linkage between the cooperative communication node and a consumer node logged in to one of the manufacturer or retailer sites, whereby the consumer node receives the product offer information as if logged in directly to the cooperative communication node.” The initial launch of the SMO web site did not use an apparatus including “means installed at cooperating manufacturer and retailer sites, for providing communication linkage between the cooperative communication node and a consumer node logged in to one of the manufacturer or retailer sites, whereby the consumer node receives the product offer information as if logged in directly to the cooperative communication node.”

(5) Independent Claim 20 recites a method including the step of “in response to selection of the banner by a consumer logged in to the independent commercial network site, providing a purchase incentive directly to the consumer [from the purchase incentive server site] for viewing and recording, whereby the consumer can obtain a selected product incentive directly while logged in to the commercial site.” The initial launch of the SMO web site could not perform a method including the step of “in response to selection of the banner by a consumer logged in to the independent commercial network site, providing a purchase

incentive directly to the consumer [from the purchase incentive server site] for viewing and recording, whereby the consumer can obtain a selected product incentive directly while logged in to the commercial site."

(6) Independent Claim 22 recites a method including the step of, "in response to selection of the banner by a consumer logged in to the independent commercial network site, providing a product purchase incentive to the consumer [from the purchase incentive server site] for viewing and recording, whereby the consumer can obtain product purchase incentives directly while logged in to the commercial site." The initial launch of the SMO web site could not perform a method including the step of, "in response to selection of the banner by a consumer logged in to the independent commercial network site, providing a product purchase incentive to the consumer [from the purchase incentive server site] for viewing and recording, whereby the consumer can obtain product purchase incentives directly while logged in to the commercial site."

(7) I am not aware of any public sale and/or use of the subject matter quoted in the paragraphs above that is defined by the claims in this application that occurred more than one year prior to the June 12, 1997 filing date of the application identified above.

(8) I swear under penalty of perjury that the foregoing is true and correct, and I am aware that any untrue statements are punishable by fine or imprisonment, or both, pursuant to 18 USC 1001.

Date

August 5, 1999

Michael C. Scroggie



I:\ay\CRV\7791\77910052.132 declaration; RAN\CRV\ay